

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**September 11-15, 2000**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-12	EX (R)	75/162,539	Frank A. Bonomo	Hohein Chapman* McLeod	2(d)	Request for Reconsideration Denied (Refusal Affirmed)		"FIGHT FOR YOUR LIFE" [health services, namely, assisting individuals in overcoming their nicotine addiction and ending their smoking habit]	"WE'RE FIGHTING FOR YOUR LIFE" [association services in the field of prevention and treatment of heart disease]	Sloan	No
9-12	OPP	96,361	Nina Ricci, S.A.R.L v. Nicci	Hanak Walters* Chapman	2(d)	Opposition Sustained	"NINA RICCI" [outer garments, namely, gowns, dresses, skirts, blouses, slacks, coats, and raincoats; etc.]; SIGNORICCI" [ties, neckwear, and handkerchiefs]	"NICCI" (in stylized lettering) [men's and women's clothing, namely, shirts, skirts, pants, jackets, suits, vests, dresses and shorts]			No
9-12	OPP	103,429	Delphi Consulting Group, Inc. v. Borland Int'l., Inc.	Hanak* Holtzman McLeod	2(d)	Opposition Sustained	"DELPHI" [educational services, namely, conducting classes and seminars in the field of computer hardware and software implementation]	"DELPHI" [computer programs for use in the field of compilers, assemblers, application development tools and utilities, database implementation, reporting and connectivity, user interfaces, visual development tools and utilities, and instructional manuals sold therewith]			No
9-13	EX	75/502,172	Kong Cheng	Simms* Quinn Bucher	2(e)(1)	Refusal Reversed		"ANIMAL VEGETABLES" [vegetables cut and shaped in a fanciful and decorative manner]		Will	No

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(2) \*=Opinion Writer; (D)=Dissenting Panel Member

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9-13	EX	75/335,792	National Automotive Parts Association	Wendel* Bucher Bottorff	2(d); requirement for substitute specimens to show service mark use of the mark applicant seeks to register	Refusal Affirmed (but only on 2(d) grounds and only as to the two cited marks incorporating the words PEACE OF MIND STANDARD EQUIPMENT and design elements)		"NAPA AUTOCARE 'PEACE OF MIND'" [business management supervision in the administration of warranties made by independent dealers in the field of automobile repair]	"PEACE OF MIND STANDARD EQUIPMENT" (and design), "PEACE OF MIND STANDARD EQUIPMENT" (in stylized lettering within a rectangle), and "FIRESIDE YOUR PEACE OF MIND DEALER" [all three marks for vehicle repair and maintenance services performed at applicant automobile dealership; automobile, van and truck leasing services; automobile dealership services]	Lauterbach	No
9-13	EX EX	75/313,751 75/313,753	Phillips Beverage Co.	Chapman Bucher Rogers*	whether applicant was the owner of the marks at the time it filed the applications to register; requirements relating to drawings and descriptions of the marks	Refusal Affirmed (on all grounds asserted)		portrait of Chopin applied to the rear of a frosted bottle and visible through a clear oval on the front of the bottle (one mark showing just the portrait; the other mark showing the portrait and the name "Chopin" in script form) [both marks for vodka]		Hughitt	No

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9-13	EX	75/438,587	PGB Partnership	Quinn Hohein* Holtzman	2(d)	Refusal Affirmed		"PLAYERS CHOICE 21" [casino game tables for card games of chance used exclusively in commercial gaming establishments]	"PLAYERS CHOICE POKER" [poker-type card games]	Gardner	No
9-14	OPP (On remand from Fed. Cir.)	96,518	Recot, Inc. v. M. C. Becton	Sams Hairston Chapman*	2(d)	Opposition Sustained	"FRITO LAY" [snack foods]	"FIDO LAY" [natural agricultural products, namely, edible dog treats]			Yes
9-14	OPP	110,801	Nutramax Laboratories, Inc. v. NaturalMax, Inc.	Chapman* Wendel Rogers	2(d)	Opposition Dismissed	"NUTRAMAX LABORATORIES" and "NUTRAMAX LABORATORIES, INC.—THE NUTRACEUTICAL COMPANY (and design) [both marks for dietary food supplements]	"NATURALMAX" [dietary supplements]			No
9-14	EX	75/478,418	Tack Cheung Corp.	Seeherman* Wendel Bucher	2(d)	Refusal Reversed		"PATTI'S PLAYWORLD" [dolls, doll houses, doll accessories, and plastic toy versions of: vehicles, animals, exercise equipment, cameras, furniture, kitchen sets, and appliances]	"PATTI" [plush toys]	Mayer-schoff	No

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9-15	EX (R)	75/385,721	Sharp Kabushiki Kaisha a/t/a Sharp Corporation	Quinn Wendel* McLeod	2(e)(1)	Request for Reconsideration Denied (Refusal Affirmed)		"REMOTE PAGER" [video cassette recorder and its remote controller, components thereof, and automatic locator button sold therewith ]		Billings	No
9-15	OPP	107,846	The Valspar Corp. v. Sirius Products, Inc.	Sams Seeherman Quinn*	2(d)	Opposition Sustained	"ZAPZ" [paint primer and stain sealer]	"ZAP" [preparations for restoring and cleaning porcelain, fiberglass, tile, and grout]			No

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